

AMENDED IN ASSEMBLY JUNE 2, 2009

AMENDED IN ASSEMBLY APRIL 29, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1500

Introduced by Assembly Member Lieu

February 27, 2009

An act to amend Section 21655.9 of, to *amend and* repeal Section 40000.13 of, *and* to add and repeal Section 5205.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1500, as amended, Lieu. High-occupancy lanes: single occupancy vehicles: sunset date.

Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOV), which lanes may also be used, until January 1, 2011, by certain low-emission and hybrid vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane if the vehicle displays a valid identifier issued by the Department of Motor Vehicles. Existing law, until January 1, 2011, makes it a misdemeanor to illegally use a decal, label, or other identifiers issued by the department.

This bill would extend the date, to January 1, 2016, that specified low-emission vehicles can use high-occupancy lanes, the department can issue low-emission decals or other identifiers, and that illegal use of a department-issued decal on a low-emission vehicle is considered a misdemeanor, creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5205.5 is added to the Vehicle Code, to
2 read:

3 5205.5. (a) For the purposes of implementing Section 21655.9,
4 the department shall make available for issuance, for a fee
5 determined by the department to be sufficient to reimburse the
6 department for the actual costs incurred pursuant to this section,
7 distinctive decals, labels, and other identifiers that clearly
8 distinguish the following vehicles from other vehicles:

9 (1) A vehicle that meets California's super ultra-low emission
10 vehicle (SULEV) standard for exhaust emissions and the federal
11 inherently low-emission vehicle (ILEV) evaporative emission
12 standard, as defined in Part 88 (commencing with Section
13 88.101-94) of Title 40 of the Code of Federal Regulations.

14 (2) A vehicle that was produced during the 2004 model-year or
15 earlier and meets California's ultra-low emission vehicle (ULEV)
16 standard for exhaust emissions and the federal ILEV standard.

17 (b) The department shall include a summary of the provisions
18 of this section on each motor vehicle registration renewal notice,
19 or on a separate insert, if space is available and the summary can
20 be included without incurring additional printing or postage costs.

21 (c) The Department of Transportation shall remove individual
22 HOV lanes, or portions of those lanes, during periods of peak
23 congestion from the access provisions provided in subdivision (a),
24 following a finding by the Department of Transportation as follows:

25 (1) The lane, or portion thereof, exceeds a level of service C,
26 as discussed in subdivision (b) of Section 65089 of the Government
27 Code.

28 (2) The operation or projected operation of the vehicles
29 described in subdivision (a) in these lanes, or portions thereof, will
30 significantly increase congestion.

1 The finding also shall demonstrate the infeasibility of alleviating
2 the congestion by other means, including, but not limited to,
3 reducing the use of the lane by noneligible vehicles, or further
4 increasing vehicle occupancy.

5 (d) The State Air Resources Board shall publish and maintain
6 a listing of all vehicles eligible for participation in the programs
7 described in this section. The board shall provide that listing to
8 the department.

9 (e) For purposes of subdivision (a), the Department of the
10 California Highway Patrol and the department, in consultation
11 with the Department of Transportation, shall design and specify
12 the placement of the decal, label, or other identifier on the vehicle.
13 Each decal, label, or other identifier issued for a vehicle shall
14 display a unique number, and that number shall be printed on, or
15 affixed to, the vehicle registration.

16 (f) If the Metropolitan Transportation Commission, serving as
17 the Bay Area Toll Authority, grants toll-free and reduced-rate
18 passage on toll bridges under its jurisdiction to any vehicle pursuant
19 to Section 30102.5 of the Streets and Highways Code, it shall also
20 grant the same toll-free and reduced-rate passage to a vehicle
21 displaying an identifier issued by the department pursuant to
22 paragraph (1) or (2) of subdivision (a) ~~if the vehicle is registered~~
23 ~~to an address outside of the region identified in Section 66502 of~~
24 ~~the Government Code.~~

25 (g) If the Director of Transportation determines that federal law
26 does not authorize the state to allow vehicles that are identified by
27 distinctive decals, labels, or other identifiers on vehicles described
28 in subdivision (a) to use highway lanes or highway access ramps
29 for high-occupancy vehicles regardless of vehicle occupancy, the
30 Director of Transportation shall submit a notice of that
31 determination to the Secretary of State.

32 (h) This section shall become operative on January 1, 2011.

33 (i) This section shall remain in effect only until January 1, 2016,
34 or only until the date the Secretary of State receives the notice
35 described in subdivision (g), whichever occurs first, and as of that
36 date is repealed.

37 SEC. 2. Section 21655.9 of the Vehicle Code is amended to
38 read:

39 21655.9. (a) (1) Whenever the Department of Transportation
40 or a local authority authorizes or permits exclusive or preferential

1 use of highway lanes or highway access ramps for high-occupancy
2 vehicles pursuant to Section 21655.5, the use of those lanes or
3 ramps shall also be extended to vehicles that are issued distinctive
4 decals, labels, or other identifiers pursuant to Section 5205.5
5 regardless of vehicle occupancy or ownership.

6 (2) A local authority during periods of peak congestion shall
7 suspend for a lane the access privileges extended pursuant to
8 paragraph (1) for those vehicles issued distinctive decals, labels,
9 or other identifiers pursuant to Section 5205.5, if a periodic review
10 of lane performance by that local authority discloses both of the
11 following factors regarding the lane:

12 (A) The lane, or a portion thereof, exceeds a level of service C,
13 as described in subdivision (b) of Section 65089 of the Government
14 Code.

15 (B) The operation or projected operation of vehicles in the lane,
16 or a portion thereof, will significantly increase congestion.

17 (b) A person shall not drive a vehicle described in subdivision
18 (a) of Section 5205.5 with a single occupant upon a high-occupancy
19 vehicle lane pursuant to this section unless the decal, label, or other
20 identifier issued pursuant to Section 5205.5 is properly displayed
21 on the vehicle, and the vehicle registration described in Section
22 5205.5 is with the vehicle.

23 (c) A person shall not operate or own a vehicle displaying a
24 decal, label, or other identifier, as described in Section 5205.5, if
25 that decal, label, or identifier was not issued for that vehicle
26 pursuant to Section 5205.5. A violation of this subdivision is a
27 misdemeanor.

28 (d) If the provisions in Section 5205.5 authorizing the
29 department to issue decals, labels, or other identifiers to hybrid
30 and alternative fuel vehicles are repealed, vehicles displaying those
31 decals, labels, or other identifiers shall not access high-occupancy
32 vehicle lanes without meeting the occupancy requirements
33 otherwise applicable to those lanes.

34 (e) This section shall remain in effect only until January 1, 2016,
35 or only until the date that the Secretary of State receives the notice
36 described in Section 5205.5, whichever occurs first, and as of that
37 date is repealed.

38 SEC. 3. Section 40000.13 of the Vehicle Code, as amended
39 by Section 5 of Chapter 614 of the Statutes of 2006, is amended
40 to read:

1 40000.13. A violation of any of the following provisions is a
2 misdemeanor, and not an infraction:

- 3 (a) Section 16560, relating to interstate highway carriers.
4 (b) Sections 20002 and 20003, relating to duties at accidents.
5 (c) Section 21200.5, relating to riding a bicycle while under the
6 influence of an alcoholic beverage or any drug.
7 (d) Section 21651, subdivision (b), relating to wrong-way
8 driving on divided highways.
9 (e) Section 22520.5, a second or subsequent conviction of an
10 offense relating to vending on or near freeways.
11 (f) Section 22520.6, a second or subsequent conviction of an
12 offense relating to roadside rest areas and vista points.

13 SEC. 4. Section 40000.13 of the Vehicle Code, as amended
14 by Section 6 of Chapter 614 of the Statutes of 2006, is repealed.

15 SEC. 5. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of
21 the Government Code, or changes the definition of a crime within
22 the meaning of Section 6 of Article XIII B of the California
23 Constitution.